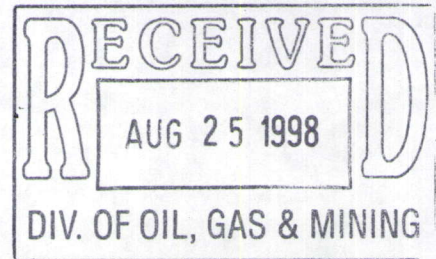


m/023/042



B E G RESOURCES, L.L.C.
STORM WATER POLLUTION
PREVENTION PLAN

August 1998

Prepared for:

B E G Resources, L.L.C.
P.O. Box 361
Nephi, Utah 84648

B E G RESOURCES, L.L.C.
STORM WATER POLLUTION PREVENTION PLAN

1.0 INTRODUCTION

The Utah Division of Water Quality (UDWQ) has developed a multi-sector general storm water permitting program that dictates industry specific requirements. B E G Resources, L.L.C. (BEG) operates a mining and processing operation for limestone. This operation is located in Juab County near Leamington. The operation is referred to as the Travertine #1 and is located in the SE 1/4 of Section 14, T14S, R3W, SLBM. It is located along High way 132 approximately 19 miles southwest of Nephi. A location map and site map are included within this plan. The area that is mined is a limestone outcropping. Blasting is required to loosen material prior to processing the material through the crushing and screening operations. The material is then used in pollution control equipment at a nearby power plant.

BEG belongs to UDWQ's storm water category Sector J, Mineral Mining and Processing Facilities, generally identified by standard industrial classification (SIC) major group 14. Any storm water runoff from the facility will discharge to the Dog Valley Wash and eventually flow into the Sevier River. The Storm Water Discharge Permit was granted under the Utah Pollutant Discharge Elimination System (UPDES) "General Permit for Storm Water Discharges Associated With Industrial Activity" (General Permit) as a Sector J facility. A copy of BEG's permit is attached as Appendix A of this document. One of the requirements of the General Permit is to develop and implement a Storm Water Pollution Prevention Plan (SWP3) for the facility. This document has been prepared to meet that requirement.

The purpose of this SWP3 is to insure that the transport of pollutants, if any, in storm water runoff from the mine site to the Dog Valley Wash will be prevented or minimized. This is accomplished by designation of Best Management Practices (BMPs) that are applicable to the specific conditions at the mine site. Revisions to the SWP3 will be made as major changes or expansions to the operations occur.

2.0 SITE ASSESSMENT

2.1 Rainfall/Runoff Environment

The mine site is located in Juab County. Precipitation events occur throughout the year with minimal accumulations of snow during the winter. Rainfall occurs as isolated and erratic short-duration thunderstorm events. Runoff occurs from the snow melt during the spring and the more intense rainstorms.

As shown on the attached site map, the receiving water for site runoff is a small, ephemeral channel in Dog Valley where the plant is located. During most runoff events, infiltration of storm water into the porous alluvium occurs before runoff reaches the Dog Valley Wash. Depending upon the volume of the runoff, much of the runoff is infiltrated and the excess amount travels to the southeast of the site and enters the wash.

As a result of the local climate and environment, runoff may be expected during the more intense rain events and during spring runoff when the local soils are saturated and unable to infiltrate the precipitation. The potential for pollutants to be transported in any such runoff is described in the following sections.

2.2 Existing Management Practices

The majority of storm runoff will be contained within the minesite and will not be discharged from the site. The primary potential for water discharge is from the storage pile and loading area due to the ground being compacted by the haul trucks.

Mining-related disturbances include the main quarry on the north side of the property, a small amount of overburden topsoil southeast of the quarry, and product stockpile directly south of the quarry as shown on the site map. Typical activities at the mine consist of loading trucks on an as-needed basis. When the stockpile is depleted, a contractor is brought in to blast, crush and screen additional material.

No discrete storm water outfall could be readily identified due to discharges only occurring rarely at the facility. Any discharge would flow southward from the product stockpile area across the access road prior to entering small unnamed gullies. There are no culverts or conveyances for the storm water to leave the property.

The processing areas have various activities that potentially could contribute to the pollutants in the runoff. There is a 10,000 gallon diesel fuel storage tank to the southwest of the pit area. The tank has a plastic lined earthen berm that is intended to capture any fuel that is spilled or leaks from the tank. Maintenance is also performed on the contractor owned and operated equipment when additional material is being produced. The responsibility for Best Management Practices associated with equipment maintenance are the contractors. No other significant chemicals are contained on the site. All storm runoff from the processing area which is not infiltrated would flow southward to the dry washes that flows to the Dog Valley Wash.

2.3 Materials Exposed to Storm Water

The most significant material exposed to storm water is the finished limestone. Stockpiles, loading areas, and truck travel through this area contributes to the amount of exposure the

material has to storm water. As the material is exposed to precipitation events, fine particles may be washed away with any storm water runoff.

Other significant materials that are present consist of: diesel fuel stored in an above-ground tank; topsoil, and finished material stockpiles as described in Section 2.2. Within the past five years, there have been no reportable fuel or chemical releases. However, in the unlikely event that a catastrophic spill occurred, adequate heavy equipment is available onsite to minimize the environmental consequences associated with a major spill.

2.4 Existing Monitoring Data

There is no existing data on the water quality of storm water discharge from this site.

2.5 Non-Storm Water Discharges

To verify that non-storm discharges do not occur, a visual inspection was made at the site on May 31, 1998. All potential outfalls were examined for evidence of any water discharge. No off-site water discharge was observed. This is consistent with observations made by BEG personnel.

2.6 Site Evaluation Summary

One potential outfall location, designated as 001, was noted for the site. This represented an area where storm water runoff has the potential to contact raw materials or finished product and continue off-site. This contact could either be a direct result of precipitation on the stockpiles, or be an indirect result of storm runoff from undisturbed areas mixing with surface runoff.

Total suspended solids (TSS) is the primary pollutant that can be reasonably be expected in any runoff that leaves the site. Other pollutants that may be present would result from incidental spills of chemicals or petroleum products.

3.0 BEST MANAGEMENT PRACTICES

This section of the SWP3 addresses Best Management Practices (BMPs) that will insure minimization of pollutants in storm water runoff leaving the site. The focus of the BMPs will be on sediment and erosion control from operational areas since this constitutes the most significant source of TSS present on site. The eight required BMPs discussed below are: good housekeeping, preventive maintenance, spill prevention and response procedures, inspections, employee training, record keeping and internal reporting procedures, sediment and erosion

control, and management of runoff. Many of these BMPs are currently in place at the site; they will be upgraded or expanded as needed during the continued implementation of this SWP3.

3.1 Good Housekeeping

Good housekeeping practices currently in place at the mine site include proper transfer, handling and use of fuel and cleaning agents.

- 1) The small amounts of cleaning agents that are used on site will be stored indoors and properly labeled. Empty containers will also be stored indoors and disposed of off-site on a timely basis.
- 2) Vehicles and machinery will be kept in good working order, with fuel or oil leaks, etc. repaired in a timely manner such that emergency repairs away from the service area are minimized.
- 3) When equipment repairs must be done outdoors, where exposure to storm water can occur, drip pads will be used, work areas will be localized, and employees will be trained to ensure proper handling of potential pollutants.
- 4) As part of the inspection and maintenance programs described below, structures associated with storm water runoff will be regularly inspected and maintained to minimize erosion.

3.2 Preventive Maintenance

The inspection procedures described below will result in detection of areas in need of maintenance. At the first sign of excessive gullyng of the mine and operational areas, repairs will be effected before problems become chronic. Conveyance capacity of diversions will be maintained by cleaning as needed based upon quarterly inspections.

3.3 Inspections

An inspection program will be conducted quarterly at the mine site. It will insure that all elements of the SWP3 are working properly and any new problem areas or potential pollutant sources that have not been addressed by the SWP3 are identified. They will be accomplished by one of the mine personnel designated under Section 5.0. The inspection will include:

1. an assessment of the integrity of storm water discharge diversions, conveyance systems, sediment control and conveyance systems, and containment structures;

2. visual inspections of vegetative BMPs, serrated slopes, and benched slopes to determine if erosion has occurred; and

3. visual inspections of material handling and storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.

The inspection is to be made at least once per calendar quarter during daylight hours unless there is insufficient rainfall or snowmelt to produce a runoff event. The following schedule for inspections is required;

January through March - storm water runoff or snow melt

April through June - storm water runoff

July through September - storm water runoff

October through December - storm water runoff or snow melt

A comprehensive site compliance evaluation shall be conducted on an annual basis. This evaluation shall provide:

Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated for adequacy and proper implementation. Structural storm water management measures shall be observed to ensure that they are operating correctly.

Based on the results of the evaluation, the description of potential pollutant sources identified in this plan and pollution prevention measures shall be revised as appropriate within two weeks of such evaluation and shall provide for the implementation of such measures within 12 weeks after the evaluation.

A report summarizing the scope of the evaluation, personnel making the evaluation, the date of the evaluation, major observations relating to the implementation of the SWP3, and actions taken to correct any deficiencies shall be made and retained as a part of the SWP3 for at least three years from the date of evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification the facility is in compliance with the SWP3 and the permit. The report shall be signed in accordance with the signatory requirements of the permit.

In addition to the regularly scheduled inspections, additional inspections will occur after major thunderstorm events which have the potential to produce substantial runoff. These inspections will be documented in accordance with the above procedures.

3.4 Spill Prevention and Response Procedures

The small amounts of fuel and chemicals contained at the site make likelihood of a spill or leak minimal. However, the good housekeeping, spill containment, inspection and maintenance procedures described above will further minimize the likelihood of an occurrence. Management will be made aware of any spill of more than five gallons. The Pollution Prevention Team, described in Section 5.0, has a person designated as accountable for proper spill response.

3.5 Employee Training

Typically, only one employee is at the site at any time. Since this employee constitutes the pollution prevention team, no formalized training will be

3.6 Record Keeping and Internal Reporting Procedures

As discussed in Section 3.3, records of all inspection will be kept as required for a minimum of three years from the date the inspection took place. Accounts of known runoff events (including date, time, and other relevant observations) will be kept as part of the inspection reports. In addition, records of any unforeseen events, such as leaks or spills, will also be included as attachments to this SWP3.

3.7 Sediment and Erosion Control

Because TSS from erosion of the operational areas is the main concern in the SWP3, implementation of the items under this BMP are of primary importance. Due to the nature of the storage and loadout area, erosion cannot be prevented entirely. The finished product includes fine-grained particles which are easily transported by runoff. The goal of this BMP can be divided into two parts: (1) minimization of erosion from operational areas, and, (2) minimization of the amount of eroded material that is conveyed as sediment to the outfall locations. The BMPs below have been implemented.

- 1) Outfall locations have been physically examined to identify the presence of evidence of flow, sediment loading, etc.
- 2) Maintenance of diversions and roadways will continue to be done as described above to prevent contact of upstream area runoff with erodible surfaces.
- 3) Where the inspection program identifies frequent evidence of sediment laden runoff entering an outfall channel, silt fences or rip-rap will be installed at practical sites to reduce sediment loads. Currently, no locations appear to have a need for this, but if conditions change and either fences or rip-rap structures are

installed, they will be examined as part of the regular quarterly inspections and maintained as needed.

- 4) Requirements of the mine permit granted by the Utah Division of Oil, Gas, and Mining will be followed.

3.8 Management of Runoff

Management of runoff will go hand-in-hand with erosion and sediment control to minimize pollutants leaving the site. The function of existing diversion structures will be maintained to prevent as much runoff as possible from contacting materials.

The attached site map shows the mining and facility area as well as enough topographic detail to indicate runoff patterns and flow directions. Management of runoff through the area can be considered as part of the basic good housekeeping program at the site.

4.0 SCHEDULE FOR IMPLEMENTATION OF BMPS

All of the above-mentioned BMPs have been implemented at the facility including providing secondary containment for the diesel fuel storage tank.

5.0 POLLUTION PREVENTION TEAM AND RESPONSIBILITIES

The Pollution Prevention Team will be responsible for ongoing development, implementation, and revision of the SWP3. Individual members of the team will be responsible for the various aspects of the SWP3 as listed below.

Team Member/Phone Number	Title	Responsibility
Neal Jensen (801) 754-5200 (Santaquin)	Manager Partner	Responsible Official Oversight Spill Response Annual site compliance evaluation Implementation
Mike Strong (801) 768-4539 (Lehi)	Consultant	Original SWP3 Preparation As needed consultation

6.0 MONITORING AND REPORTING

6.1 Analytical Monitoring Requirements

Storm water runoff must be sampled and analyzed quarterly during the period beginning October 1, 1998, lasting through September 30, 1999, and the period beginning October 1, 2000, lasting through September 30, 2001. Total Suspended Solids (TSS) is the only parameter to be analyzed. Table 6.1 lists the analytical sampling periods.

Analytical Monitoring Schedule		
Sample Period	Sample Type	Sample Parameters
October 1 - December 31, 1998	Grab	TSS
January 1 - March 31, 1999	Grab	TSS
April 1 - June 30, 1999	Grab	TSS
July 1 - September 30, 1999	Grab	TSS
October 1 - December 31, 2000	Grab	TSS
January 1 - March 31, 2001	Grab	TSS
April 1 - June 30, 2001	Grab	TSS
July 1 - September 30, 2001	Grab	TSS

The following information must also be determined at the time of the sampling event:

- Sample date
- Duration of storm event
- Rainfall measurement or estimate
- Duration since last measurable storm event
- Estimate of gallons of total discharge

6.2 Sample Type

A minimum of one grab sample must be taken. This sample shall be taken within the first 30 minutes of discharge. If the sample cannot be taken within the first 30 minutes, then it can be

taken within the first hour, however, this should be noted on the monitoring report with an explanation. The sample must be from a qualifying storm event having greater than 0.1 inches of precipitation in magnitude and occurs 72 hours from the previous measurable storm event.

6.3 Sampling Waiver

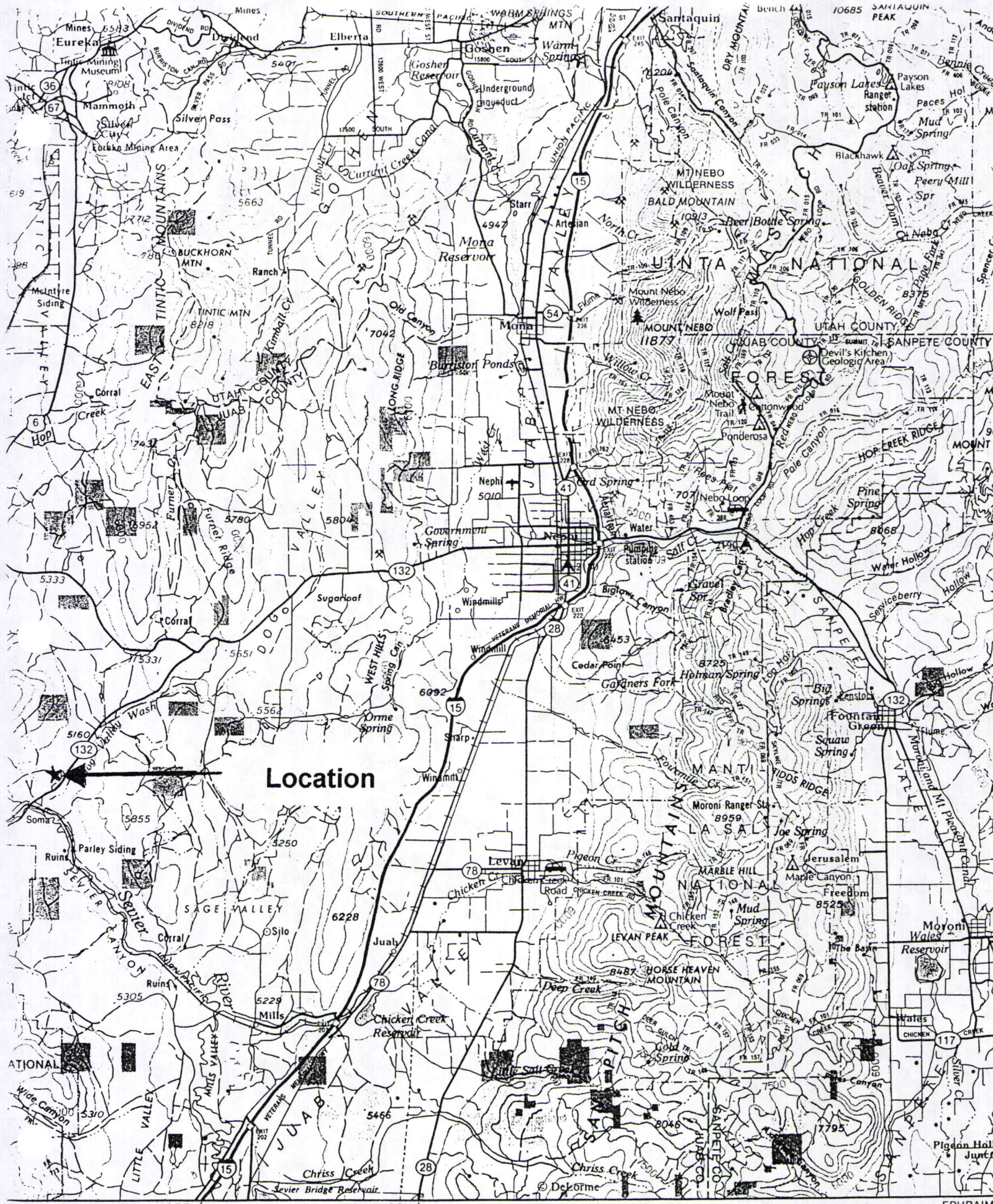
Adverse Conditions When a discharger is unable to collect samples within a specified sampling period due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event. in the next sampling period and submit the data along with the data for the routine sample in that period. Adverse weather conditions include weather conditions that create dangerous conditions to personnel (flooding, high winds, electrical storms) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

Low Concentration Waiver When the average concentration for a pollutant calculated from all monitoring data collected during the first four monitoring periods (from October 1, 1998 until September 30, 1999) is below 100 milligrams per liter (mg/l), a facility may waive the analytical monitoring requirements for the following four monitoring periods. The facility must submit to the executive secretary, in lieu of the monitoring data, a certification that there has not been a significant change in the industrial activity or the pollution prevention measures in the area of the facility that drains the outfall for which sampling was waived.

7.0 CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Neal Jensen

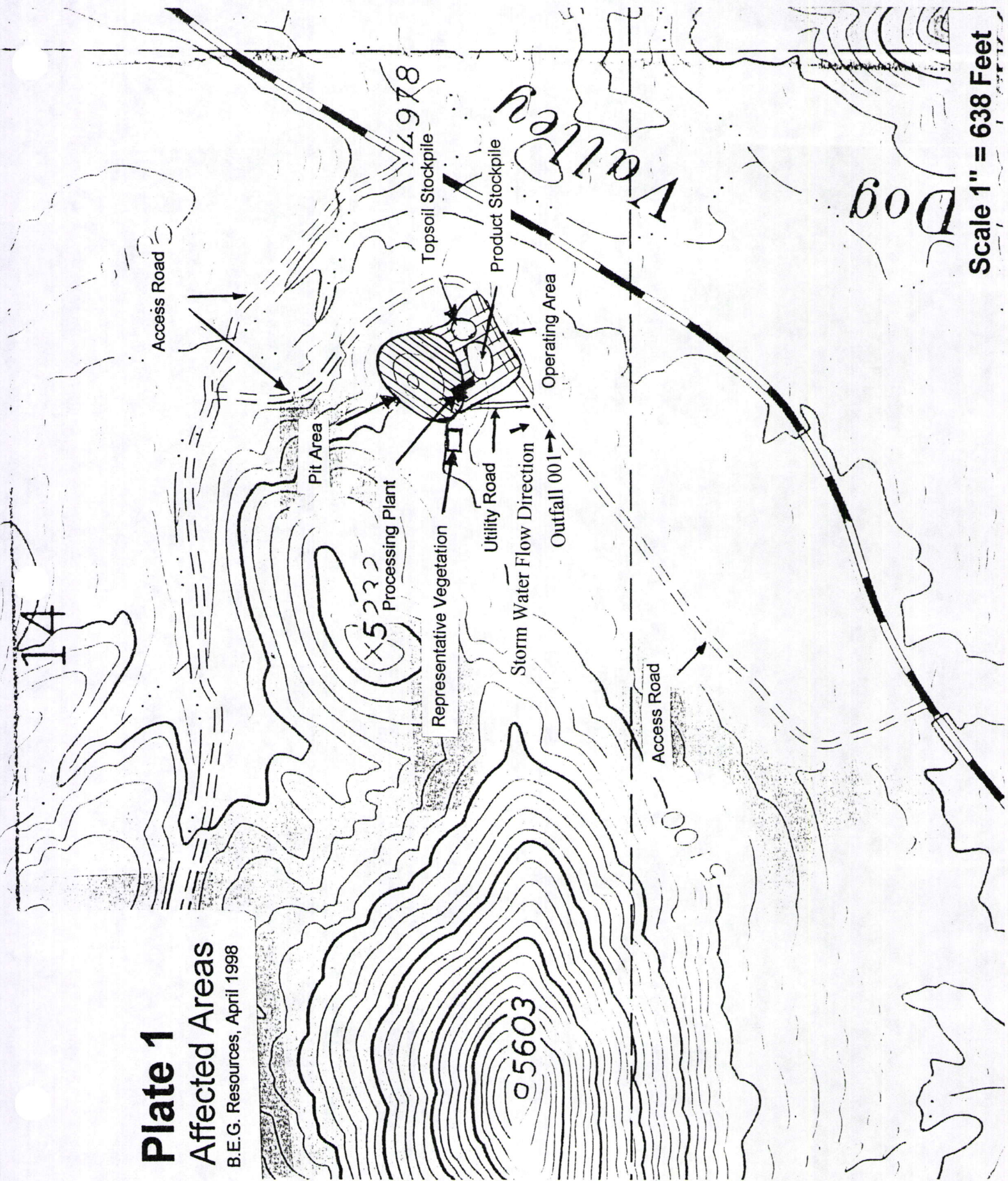


Scale 1:250,000
1 inch represents 4 miles

Contour interval
300 feet (91.5 meters)

Continue on Page 37

Plate 1
Affected Areas
B.E.G. Resources, April 1998



Scale 1" = 638 Feet

Permit No.: UTR000000

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
SALT LAKE CITY, UTAH 84114-4870

Authorization to Discharge Under the
Utah Pollutant Discharge Elimination System

General Multi-Sector Permit for Storm Water
Discharges Associated with Industrial Activity

In compliance with the provisions of the *Utah Water Pollution Control Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953*, as amended (the Act),

is authorized to discharge from the industrial site identified in the Notice of Intent, application number UTR000 to **WATERS OF THE STATE** in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

Coverage under this permit became effective on January 1, 1998.

This permit and the authorization to discharge shall expire at midnight, December 31, 2002.

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Q.	Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	
R.	Ship or Boat Building and Repair Yards	
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T.	Wastewater Treatment Works	
U.	Food and Kindred Products Facilities	

- V. Textile Mills, Apparel and other Fabric Product Manufacturing Facilities
- W. Furniture and Fixture Manufacturing Facilities
- X. Printing and Publishing Facilities
- Y. Rubber and Miscellaneous Plastic Product Manufacturing Facilities
- Z. Leather Tanning and Finishing Facilities
- AA. Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware
- AB. Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery
- AC. Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods
- AD. Non-Classified Facilities

APPENDIX III

- A. List of "Section 313" Water Priority Chemicals

PART I

Permit No.: UTR000000

I. COVERAGE UNDER THIS PERMIT.

- A. Overview of the Multisector General Permit. *Parts I. - VIII.* apply to all facilities. *Parts I.* describe eligibility requirements. *Parts II. - VIII.* contain "basic" permit requirements.

Appendix I contains forms for application or termination of the permit and procedures to do such.

Appendix II. provides additional requirements for particular sectors of industrial activity. For example, primary metal facilities add *Appendix II.F.* to the "universal" *Parts I. - VIII.* requirements.

Appendix III contains a list of *EPCRA Section 313* "water priority chemicals".

Some facilities may have "co-located" activities that are described in more than one sector and need to comply with applicable conditions of each sector contained in the *Appendix*. For example, a chemical manufacturing facility could have a land application site and be subject to *Appendix II.C. - Chemical and Allied Products Manufacturing sector* (primary activity), with runoff from the land application site (co-located activity) also subject to conditions in the *Appendix II.L. - Landfills and Land Application Sites sector*.

- B. Permit Area. The permit covers all areas of the State of Utah except for Indian lands¹.

- C. Eligibility

1. Discharges Covered. Except for storm water discharges identified under *Part I.D.*, this permit may cover all new and existing point source discharges of storm water to waters of the State that are associated with industrial activity identified under the coverage sections contained in *Appendix II.* (see Table 1). Military installations must comply with the permit and monitoring requirements for all sectors that describe industrial activities that such installations perform.

TABLE 1.

Storm Water Discharges From:	Are Covered if Listed in Appendix:
Timber Products Facilities	II.A.1.
Paper and Allied Products Manufacturing Facilities	II.B.1.

¹ The State of Utah, *Division of Water Quality*, does not have permit authority for Indian lands. Storm water permits for Indian lands within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire storm water permits through EPA Region IX.

Storm Water Discharges From:	Are Covered if Listed in Appendix:
Chemical and Allied Products Manufacturing Facilities	II.C.1.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	II.D.1.
Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities	II.E.1.
Primary Metals Facilities	II.F.1.
Metal Mines (Ore Mining and Dressing)	II.G.1.
Coal Mines and Coal Mine-Related Facilities	II.H.1.
Oil or Gas Extraction Facilities	II.I.1.
Mineral Mining and Processing Facilities	II.J.1.
Hazardous Waste Treatment Storage or Disposal Facilities	II.K.1.
Landfills and Land Application Sites	II.L.1.
Automobile Salvage Yards	II.M.1.
Scrap Recycling and Waste Recycling Facilities	II.N.1.
Steam Electric Power Generating Facilities	II.O.1.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	II.P.1.
Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	II.Q.1.
Ship or Boat Building and Repair Yards	II.R.1.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	II.S.1.
Wastewater Treatment Works	II.T.1.
Food and Kindred Products Facilities	II.U.1.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	II.V.1.
Furniture and Fixture Manufacturing Facilities	II.W.1.
Printing and Publishing Facilities	II.X.1.
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	II.Y.1.

PART I

Permit No.: UTR000000

Storm Water Discharges From:	Are Covered if Listed in Appendix:
Leather Tanning and Finishing Facilities	II.Z.1.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	II.AA.1.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	II.AB.1.
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	II.AC.1.
Non-Classified Facilities	II.AD.1

2. Construction. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with construction activities provided that the storm water discharge from the construction activity is authorized by and in compliance with the terms of the *UPDES Storm Water General Permit for Construction Activity*, General Permit Number UTR100000.
3. Storm Water Not Associated With Industrial Activity. Storm water discharges associated with industrial activity that are authorized by this permit may be combined with other sources of storm water that are not classified as associated with industrial activity pursuant to *Utah Administrative Code (UAC) R317-8-3.8(6)(c) & (d)* (see also the definition of "storm water discharge associated with industrial activity", *Part VIII.A.2I*).
4. Discharges Subject to New Source Performance Standards. Operators of facilities with storm water discharges subject to New Source Performance Standards² shall have documentation of a final *DWQ* decision indicating that the *DWQ* has determined that the storm water discharge will have no direct or indirect impact on the affected receiving waters of the State. This documentation shall be obtained and retained on site by 180 days after the submittal of the Notice of Intent. The information shall be sent to the appropriate address listed in *Part V.B.* of this permit.

²Storm water discharges subject to New Source Performance Standards (NSPS) and that may be covered under this permit include: runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 23, 1977)]; contaminated runoff from phosphate fertilizer manufacturing facilities [40 CFR Part 418 Subpart A (established April 8, 1974)]; coal pile runoff at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)]; and runoff from asphalt emulsion facilities [40 CFR Part 443 Subpart A (established July 24, 1975)]. NSPS apply only to discharges from those facilities or installations that were constructed after the promulgation of NSPS. For example, storm water discharges from areas where the production of asphalt paving and roofing emulsions occurs are subject to NSPS only if the asphalt emulsion facility was constructed after July 24, 1975.

- D. Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this permit:
1. Storm water discharges associated with industrial activities that are not listed under the coverage sections contained in *Appendix II*. (see Table 1).
 2. Storm water discharges subject to New Source Performance Standards except as provided in *Part I.C.4*.
 3. Storm water discharges associated with industrial activity that are mixed with sources of non-storm water other than non-storm water discharges that are:
 - a. In compliance with a different *UPDES* permit; or
 - b. Identified by and in compliance with *Part II.A*. (Prohibition of Non-storm Water Discharges) of this permit.
 4. Storm water discharges associated with industrial activity that are subject to an existing *UPDES* individual or general permit.
 5. Are located at a facility where a *UPDES* permit has been terminated (other than at the request of the permittee) or denied, or that are issued a permit in accordance with *Part VI.M*. (Requirements for Individual or Alternative General Permits) of this permit;
 6. Storm water discharges associated with industrial activity that the *Executive Secretary* (of the *Utah Water Quality Board*) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard. Where such determinations have been made, the discharger will be notified by the *Executive Secretary* of additional requirements for treatment or handling of the discharge or that an individual permit application is necessary. The *Executive Secretary* may authorize coverage under this permit after appropriate controls and implementation procedures, designed to bring the discharges into compliance with water quality standards, have been included in the pollution prevention plan;
 7. Discharges subject to storm water effluent guidelines, not described under *Appendix II*.
 8. Storm water discharges associated with industrial activity from inactive mining, inactive landfills, or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.
- E. Authorization. Dischargers of storm water associated with industrial activity must submit a complete *NOI* using an *NOI* form as found in *Appendix I* (or photocopy thereof), including payment of the appropriate permit fee to be authorized to discharge under this general permit. Unless notified by the *Executive Secretary* to the contrary, owners or operators who submit such

PART I

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notification are authorized immediately to discharge storm water associated with industrial activity under the terms and conditions of this permit after the NOI is received by the DWQ. An operator that had coverage under the preceeding expired general storm water industrial permit, must submit the NOI from *Appendix I* and a permit fee by January 1, 1998, to have continued coverage under this permit. The *Executive Secretary* may, at any time, deny coverage under this permit and may require submittal of an application for an individual *UPDES* permit based on a review of the NOI or other information.

- F. DWQ Intent to Stagger Operator Renewal. The DWQ wishes to cover sectors in *Appendix II* identified in the table below for different periods of time under this permit. The table below shows the different time periods (beginning at the effective date of this permit) that the DWQ wishes to cover sectors in *Appendix II*. When that period of time is up, the DWQ will issue other permits for the specified sectors similar to this permit and with compliance issues scheduled in concert with this permit, such that permittees covered by this permit may continue under other permits with staggered renewal schedules. The objective for this action is to disperse permit renewals so that about 20% of all industrial storm water permittees will be up for renewal each year instead of 100% every 5 years. The purpose for this is simply to disperse the work load for the renewal process over 5 years rather than (how it is now) concentrating all general industrial storm water permit renewals in one year every five years.

Appendix II Sector	Years of Coverage Under This Permit
P	1
I, R, AB, and AC	2
E, G, U, AA, and AD	3
A, B, C, D, F, H, M, T, and W	4
J, K, L, N, O, Q, S, V, Y, and X	5

II. SPECIAL CONDITIONS.

A. Prohibition of Non-storm Water Discharges.

1. Storm Water Discharges. Except as provided in *Part II.A.2.* (below), all discharges covered by this permit shall be composed entirely of storm water.
2. Non-Storm Water Discharges.
 - a. Except as provided in *Part II.A.2.b.* (below), discharges other than storm water must be in compliance with a *UPDES* permit (other than this permit) issued for the discharge.
 - b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with *Part III* and *Appendix II*: discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; drinking fountain water; irrigation drainage; lawn watering; routine external building washdown that does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials (including oils and fuels) have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in Excess of Reportable Quantities.

1. Hazardous Substances or Oil. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of *40 CFR Part 117*, *40 CFR Part 110*, and *40 CFR Part 302*. Except as provided in *Part II.B.2.* (Multiple Anticipated Discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, occurs during a 24-hour period:
 - a. The discharger is required to notify the National Response Center (NRC) (800-424-8802; in the Washington, DC metropolitan area 202-426-2675) in accordance with the requirements of *40 CFR Part 117*, *40 CFR 110*, and *40 CFR Part 302* and the *Division of Water Quality* (DWQ) (801-538-6146; or the 24 hour DWQ answering service at 801-536-4123) as soon as he or she has knowledge of the discharge; and
 - b. The storm water pollution prevention plan required under *Part III.* (Storm Water Pollution Prevention Plans) of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances

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leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate; and

- c. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with *Part II.B.1.b.* (above) of this permit to the *DWQ* at the address provided in *Part V.B.* (Reporting: Where to Submit) of this permit.
2. Multiple Anticipated Discharges. Facilities that have more than one anticipated discharge per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, that occurs during a 24-hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall:
 - a. Submit notifications in accordance with *Part II.B.1.b.* (above) of this permit for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI); and
 - b. Shall provide in the storm water pollution prevention plan required under *Part III.* (Storm Water Pollution Prevention Plans) a written description of the dates on which all such releases occurred, the type and estimate of the amount of material released, and the circumstances leading to the releases. In addition, the plan must be reviewed to identify measures to prevent or minimize such releases and the plan must be modified where appropriate.
 3. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill.
- C. Co-located Industrial Activity. In the case where a facility has industrial activities occurring onsite which are described by any of the activities in other sections of *Appendix II*, those industrial activities are considered to be co-located industrial activities. Storm water discharges from co-located industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements from other sections of *Appendix II* applicable to the co-located industrial activity. The operator of the facility shall determine which additional pollution prevention plan and monitoring requirements are applicable to the co-located industrial activity by examining the narrative descriptions of each coverage section (Discharges Covered Under This Section) in the NOI form (*Appendix I*) of this permit.
 - D. Discharge Compliance with Water Quality Standards. Dischargers seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation

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of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable Water Quality Standard, the *Executive Secretary* will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or re-occur, then coverage under this permit will be terminated by the *Executive Secretary* and an alternative permit may be issued or denied. Compliance with this requirement does not preclude any enforcement activity as provided by the *Water Quality Act* for the underlying violation.

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III. STORM WATER POLLUTION PREVENTION PLANS. A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices and in accordance with the factors outlined in 40 CFR 125.3(d)(2) or (3) as appropriate. The DWQ recommends that plans be signed by a State registered Professional Engineer (P.E.), particularly where plans are complex, treatment systems are used, and risks to storm water discharges are significant. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance.

1. Existing Facilities. Except as provided in Part III.A.3. and 4. (below), all existing facilities and new facilities that begin operation on or before October 1, 1998 shall prepare and implement the plan by October 1, 1998.
2. New Facilities. Facilities that begin operation after October 1, 1998 shall prepare and implement the plan prior to submitting the Notice of Intent.
3. Oil and Gas Facilities. Oil and gas exploration, production, processing or treatment facilities that are not required to submit a permit application on or before January 1, 1998, in accordance with UAC R317-8-3.8(2)(a)3., but after October 1, 1998, have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 or 40 CFR 302.6, shall prepare and implement the plan on or before the date 60 calendar days after first knowledge of such release.
4. Facilities Continuing Coverage Under the Multi-Sector General Permit upon Expiration of the Baseline General Permit. Facilities previously subject to the UPDES General Permit for Storm Water Discharges Associated With Industrial Activity that are renewing coverage under this permit shall continue to implement the storm water pollution prevention plan required by that permit. The plan shall be revised as necessary to address requirements under Appendix II. of this permit no later than October 1, 1998. The revisions made to the plan shall be implemented on or before October 1, 1998.
5. Measures That Require Construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than January 1, 2001. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate non-structural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.
6. Extensions. Upon a showing of good cause, the Executive Secretary may establish a later

date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.

B. Signature and Plan Review.

1. Signature/Location. The plan shall be signed in accordance with *Part VI.G.* (Signatory Requirements), and be retained onsite at the facility that generates the storm water discharge in accordance with *Part VI.P.2.* (Retention of Records) of this permit. For inactive facilities, the plan may be kept at the nearest office of the permittee.
2. Plan Availability. The permittee shall make plans available upon request to the *Executive Secretary*; other local agencies approving storm water management plans; interested members of the public; local government officials; or to the operators of a municipal separate storm sewer receiving discharges from the site. Viewing by the public shall be at reasonable times during regular business hours (advance notice by the public of the desire to view the plan may be required, not to exceed two working days). The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the plan required to be kept onsite (or locally available) must be made available to the *Executive Secretary* (or authorized representative) for review at the time of an onsite inspection.
3. Required Modifications. The *Executive Secretary*, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the *Executive Secretary*, (or as otherwise provided by the *Executive Secretary*), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the *Executive Secretary* a written certification that the requested changes have been made.

C. Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under *Part III.D.* (Contents of the Plan) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes: Amendments to the plan may be reviewed by the *Executive Secretary*, or an authorized representative, in the same manner as *Part III.B.* (above).

D. Contents of the Plan. The contents of the pollution prevention plan shall comply with the requirements listed in the appropriate section of *Appendix II.* (Specific Requirements for Industrial Activities). Table 2 lists the location of the plan requirements for the respective

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industrial activities. These requirements are cumulative. If a facility has co-located activities that are covered in more than one section of *Appendix II.*, that facility's pollution prevention plan must comply with the requirements listed in all applicable sections of this permit.

Table 2
Pollution Prevention Plan Requirements

Storm Water Discharges From:	Are Subject to Pollution Prevention Plan Requirements Listed in Appendix:
Timber Products Facilities	II.A.3.
Paper and Allied Products Manufacturing Facilities	II.B.3.
Chemical and Allied Products Manufacturing Facilities	II.C.4.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	II.D.3.
Glass, Clay, Cement Concrete and Gypsum Product Manufacturing Facilities	II.E.3.
Primary Metals Facilities	II.F.3.
Metal Mines (Ore Mining and Dressing)	II.G.3.
Coal Mines and Coal Mine-Related Facilities	II.H.3.
Oil or Gas Extraction Facilities	II.I.3.
Mineral Mining and Processing Facilities	II.J.3.
Hazardous Waste Treatment Storage or Disposal Facilities	II.K.3.
Landfills and Land Application Sites	II.L.3.
Automobile Salvage Yards	II.M.2.
Scrap and Waste Recycling Facilities	II.N.3.
Steam Electric Power Generating Facilities	II.O.3.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	II.P.3.
Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	II.Q.3.

Storm Water Discharges From:	Are Subject to Pollution Prevention Plan Requirements Listed in Appendix:
Ship or Boat Building and Repair Yards	II.R.3.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	II.S.3.
Wastewater Treatment Works	II.T.3.
Food and Kindred Products Facilities	II.U.3.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	II.V.3.
Furniture and Fixture Manufacturing Facilities	II.W.3.
Printing and Publishing Facilities	II.X.3.
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	II.Y.3.
Leather Tanning and Finishing Facilities	II.Z.3.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	II.AA.3.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	II.AB.3.
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	II.AC.3.
Non-Classified Facilities	II.AD.3.

E. Special Pollution Prevention Plan Requirements. In addition to the minimum standards listed in *Appendix II.* of this permit (Specific Requirements for Industrial Activities), the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:

1. Additional Requirements for Storm Water Discharges Associated With Industrial Activity that Discharge Into or Through Municipal Separate Storm Sewer Systems Serving a Population of 100,000 or More.

a. In addition to the applicable requirements of this permit, facilities covered by this permit are not relieved from meeting applicable requirements in municipal storm

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water management programs developed under *UPDES* permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge.

- b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the *Executive Secretary* shall make plans available to the municipal operator of the system upon request.

- 2. Additional Requirements for Storm Water Discharges Associated With Industrial Activity From Facilities Subject to *EPCRA Section 313* Requirements. In addition to the requirements of *Appendix II.* of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under *EPCRA Section 313* for chemicals that are classified as "Section 313 water priority chemicals" in accordance with the definition in *Part VIII.* of this permit, except as provided in *Part III.E.2.c.* (below), shall describe and ensure the implementation of practices that are necessary to provide for conformance with the following guidelines:

- a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under *Part III.E.2.c.* At a minimum, one of the following preventive systems or its equivalent shall be used:

- (1) Curbing, culverting, gutters, sewers, or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or
- (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

- b. In addition to the minimum standards listed under *Part III.E.2.a.* (above) of this permit, except as otherwise exempted under *Part III.E.2.c.* (below) of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable State rules, regulations, and guidelines:

- (1) Liquid Storage Areas Where Storm Water Comes Into Contact With Any Equipment, Tank, Container, or Other Vessel Used for Section 313 Water Priority Chemicals.
 - (a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

- (b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
- (2) Material Storage Areas for Section 313 Water Priority Chemicals Other Than Liquids. Material storage areas for Section 313 water priority chemicals other than liquids that are subject to runoff, leaching, or wind shall incorporate drainage or other control features that will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
- (3) Truck and Rail Car Loading and Unloading Areas for Liquid Section 313 Water Priority Chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
- (4) Areas Where Section 313 Water Priority Chemicals Are Transferred, Processed, or Otherwise Handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.
- (5) Discharges From Areas Covered by Paragraphs (1), (2), (3), or (4) (above).
- (a) Drainage from areas covered by paragraphs (1), (2), (3), or (4) of this part (above) should be restrained by valves or other positive means to

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- prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.
- (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.
 - (c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
 - (d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) Facility Site Runoff Other Than From Areas Covered By (1), (2), (3), or (4). Other areas of the facility (those not addressed in paragraphs (1), (2), (3), or (4)), from which runoff that may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
- (7) Preventive Maintenance and Housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures that could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered that may result in significant releases of Section 313 water priority chemicals to waters of the State, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to waters of the State shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State,

and local requirements and as described in the plan.

- (8) Facility Security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
 - (9) Training. Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year. Training shall address: pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation that are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.
- c. Facilities subject to reporting requirements under EPCRA Section 313 for chemicals that are classified as 'Section 313 water priority chemicals' in accordance with the definition in *Part VIII*. of this permit that are handled and stored onsite only in gaseous or non-soluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the pollution prevention plan in lieu of the additional requirements in *Part III.E.2*. Such certification shall include a narrative description of all water priority chemicals and the form in which they are handled and stored, and shall be signed in accordance with *Part VI.G*. (Signatory Requirements) of this permit.
 - d. The storm water pollution prevention plan shall be certified in accordance with *Part VI.G*. (Signatory Requirements) of this permit.
- 3. Additional Requirements for Salt Storage. Storage piles of salt used for deicing or other commercial or industrial purposes and that generate a storm water discharge associated with industrial activity that is discharged to waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. The *Executive Secretary* may waive this requirement for salt piles located in areas where surface and/or ground waters are already high in concentrations of salt.
 - 4. Consistency With Other Plans. Storm water pollution prevention plans may reference the

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existence of other plans for Spill Prevention, Control, and Countermeasure (SPCC), plans developed for the facility under Section 311 of the CWA, or *Best Management Practices (BMP)* Programs otherwise required by a *UPDES* permit for the facility as long as such requirement(s) is incorporated into the storm water pollution prevention plan.

5. Other Laws and Requirements.

- (1) Local Storm Water Control Requirements. This permit does not relieve the permittee from compliance with other laws affecting storm water discharges. If the requirements of this permit appears to be a conflict in with other laws or local requirements the permittee must contact the *Executive Secretary* within 30 days of knowledge of any discrepancies. Where applicable, compliance efforts to other storm water requirements (as they pertain to water quality issues) should also be reflected in the SWP3.
- (2) Threatened or Endangered Species & Historic Properties. This permit does not relieve the permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable compliance efforts to these laws should be reflected in the SWP3.

IV. NUMERIC EFFLUENT LIMITATIONS

- A. Discharges Associated With Specific Industrial Activity. Numeric effluent limitations for storm water discharges associated with a specific industrial activity are described in *Appendix II.* of this permit.
- B. Coal Pile Runoff. Any discharge composed of coal pile runoff shall not exceed a maximum concentration for any time of 50 mg/L total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. The pH of such discharges shall be within the range of 6.5 to 9.0. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/L limitation for total suspended solids.

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V. MONITORING AND REPORTING REQUIREMENTS

A. Monitoring Requirements.

1. Limitations on Monitoring Requirements.

- a. Except as required by paragraph b. (below), only those facilities with discharges or activities identified in *Part V.C.* and *Appendix II.* are required to conduct sampling of their storm water discharges associated with industrial activity. Monitoring requirements under *Parts V.C.* and *Appendix II.* are additive. Facilities with discharges or activities described in more than one monitoring section are subject to all applicable monitoring requirements from each section.
- b. The *Executive Secretary* can provide written notice to any facility otherwise exempt from the sampling requirements of *Parts V.C.* and *Appendix II.* that it shall conduct discharge sampling for a specific monitoring frequency for specific parameters.

B. Reporting: Where to Submit.

1. Location. Signed copies of storm water discharge monitoring reports (SWDMR) required under *Parts V.C.* and *Appendix II.*, individual permit applications, and all other reports required herein, shall be submitted to the *Executive Secretary* of the *Water Quality Board* at the address listed below. For each outfall, one SWDMR form must be submitted per storm event sampled.

Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870

2. Additional Notification. In addition to filing copies of discharge monitoring reports in accordance with *Part V.B.1* (above), facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the *Executive Secretary* must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in *Appendix II.* Facilities not required to report monitoring data under *Appendix II.* and facilities that are not otherwise required to monitor their discharges, have no need to comply with this provision.

- C. Special Monitoring Requirements for Coal Pile Runoff. During the period beginning on the effective date and lasting through the expiration date of this permit, permittees with storm water discharges containing coal pile runoff shall monitor such storm water for: pH and TSS (mg/l) at least annually (1 time per year). Permittees with discharges containing coal pile runoff must report in accordance with *Part IV.B.* (Coal Pile Runoff) and *Part V.B.* (Reporting: Where to Submit). In addition to the parameters listed above, the permittee shall provide the date and

duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

1. Sample Type. Discharges containing coal pile runoff shall be monitored by a grab sample(s). All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.
2. Sampling Waiver. When a discharger is unable to collect samples of coal pile runoff due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next period and submit this data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
3. Representative Discharge. When a facility has two or more outfalls containing coal pile runoff that, based on a consideration of the other industrial activity, and significant materials, and upon management practices and activities within the area drained by the outfall, and the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40 percent), medium (40 to 65 percent) or high (above 65 percent)) shall be provided in the plan. Permittees required to submit monitoring information under *Part VI* of this permit shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the SWDMR. This representative discharge provision is not applicable to storm water discharges from coal piles regulated under the national effluent limitations guidelines.

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4. Alternative Certification. Facilities with storm water discharges containing coal pile runoff may not submit alternative certification in lieu of the required monitoring data.
5. When to Submit. Permittees with discharges containing coal pile runoff shall submit monitoring results annually no later than the 28th day of January.

VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. Permittee's Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the *Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
2. Penalties for Violations of Permit Conditions.
 - a. Negligent Violations. The *Act* provides that any person who negligently violates permit conditions implementing the *Act*, this permit, or the Utah wastewater rules is subject to a fine of \$10,000 per day.
 - b. Willful or Gross Negligence. The *Act* provides that any person who willfully or with gross negligence violates *UCA 19-5-107(1)* (discharges a pollutant to waters of the State) or a condition or limitation of this permit is subject to a fine of \$25,000 per day or \$50,000 per day for any person twice convicted.
 - c. False Statements. The *Act* provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the *Act* or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the *Act* shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment by 6 months, or by both.

B. Continuation of the Expired General Permit. This permit, expires on December 31, 2002. However, an expired general permit may continue in force and effect after the expiration date until a new permit is issued if a timely reapplication is made for the new permit (*UAC R317-8-3.1(1)(d)*). If this permit is not renewed by the *Division of Water Quality*, for some reason, the *Executive Secretary* will notify the permittee and provide instructions concerning how to stay in compliance with the the *Utah Water Quality Act* and the *Utah Wastewater Rules (UAC R317-8)* with the discharge(s) that is(are) covered by this permit.

C. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the *Executive Secretary* or an authorized representative any information which is requested to determine compliance with this

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permit or other information. The permittee shall also furnish copies of records required to be kept by this permit to the *Executive Secretary* upon request.

- F. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the *NOI* or in any other report to the *Executive Secretary*, he or she shall promptly submit such facts or information.
- G. Signatory Requirements. All *Notices of Intent*, storm water pollution prevention plans, reports, certifications or information either submitted to the *Executive Secretary* or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:
1. All *Notices of Intent* shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (1) the chief executive officer of the agency, or
 - (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).
 2. All reports required by the permit and other information requested by the *Executive Secretary* or by an authorized representative of the *Executive Secretary* shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the *Executive Secretary*.

- b. The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
- c. Changes to authorization. If an authorization under *Part VI.G.2.* is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent satisfying the requirements of *Part I.C. & D.* must be submitted to the *Executive Secretary* prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing documents under *Part VI.G.* shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The "*Act*" provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months, or by both.
- I. Penalties for Falsification of Monitoring Systems. The "*Act*" provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in *19-5-111* of the "*Act*".
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the "*Act*".
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or

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the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

M. Requiring an Individual Permit or an Alternative General Permit.

1. Executive Secretary Designation. The *Executive Secretary* may require any person authorized by this permit to apply for and/or obtain either an individual *UPDES* permit or an alternative *UPDES* general permit. Any interested person may petition the *Executive Secretary* to take action under this paragraph. The *Executive Secretary* may require any owner or operator authorized to discharge under this permit to apply for an individual *UPDES* permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of issuance or denial of the individual *UPDES* permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address of the *DWQ* shown in *Part V.B.* (Reporting: Where to Submit) of this permit. The *Executive Secretary* may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit, in a timely manner, an individual *UPDES* permit application as required by the *Executive Secretary*, then the applicability of this permit to the individual *UPDES* permittee is automatically terminated at the end of the day specified for application submittal.
2. Individual Permit Application. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (EPA, Form 1 and Form 2F) with reasons supporting the request to the *Executive Secretary*. Individual permit applications shall be submitted to the address of the *DWQ* shown in *Part V.B.* of this permit. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. Individual/Alternative General Permit Issuance. When an individual *UPDES* permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual *UPDES* permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the date of such denial, unless otherwise specified by the *Executive Secretary*.

N. State/Environmental Laws.

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by *UCA 19-5-117*.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

O. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

P. Monitoring and Records.

1. Representative Samples/Measurements. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Retention of Records.
 - a. The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the application of this permit for a period of at least three (3) years from the date of sample, measurement, evaluation or inspection, report, or application. This period may be extended by request of the *Executive Secretary* at any time. Permittees must submit any such records to the *Executive Secretary* upon request.
 - b. The permittee shall retain the pollution prevention plan developed in accordance with *Part III.* and *Appendix II.* of this permit until a date 3 years after the last modification or amendment is made to the plan, and at least 1 year after coverage under this permit terminates.
3. Records Contents. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;

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- d. The time(s) analyses were initiated;
 - e. The initials or name(s) of the individual(s) who performed the analyses;
 - f. References and written procedures, when available, for the analytical techniques or methods used; and
 - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
4. Approved Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- Q. Inspection and Entry. The permittee shall allow the *Executive Secretary* or an authorized representative, the EPA, or in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to: enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- R. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- S. Bypass of Treatment Facility.
- 1. Notice.
 - a. Anticipated Bypass. If a permittee subject to the numeric effluent limitations of *Parts IV. and Appendix II.* of this permit knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least 10 days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
 - b. Unanticipated Bypass. The permittee subject to the numeric effluent limitations of *Parts IV. and Appendix II.* of this permit shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a

description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. Prohibition of Bypass.

- a. Bypass is prohibited and the *Executive Secretary* may take enforcement action against a permittee for a bypass. Unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices of the bypass.
- b. The *Executive Secretary* may approve an anticipated bypass after considering its adverse effects, if the *Executive Secretary* determines that it will meet the three conditions listed in *Part VI.S.2.a*.

T. Upset Conditions.

1. Affirmative Defense. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in *Parts IV. and Appendix II.* of this permit if the requirements of paragraph 2 below are met. The *Executive Secretary's* administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Required Defense. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated; and
 - c. The permittee provided oral notice of the upset to the *Executive Secretary* within 24

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hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.

3. Burden of Proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

VII. REOPENER CLAUSE

- A. Potential or Realized Impacts on Water Quality. If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with *Part VI.M.* (Requiring an Individual Permit or an Alternative General Permit) of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Applicable Regulations. Permit modification or revocation will be conducted according to *UAC R317-8-5.6* and *UAC R317-8-6.2.*

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VIII. DEFINITIONS

A. Definitions Pertaining to this Permit.

1. "Act" means the "*Utah Water Quality Act*".
2. "*Best Management Practices*" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
4. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
5. "Co-located industrial activity" means when a facility has industrial activities being conducted onsite that are described under more than one of the coverage sections of *Appendix II* in this permit (Discharges Covered Under This Permit). Facilities with co-located industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section in which a co-located industrial activity is described.
6. "CWA" means "*Clean Water Act*" (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).
7. "Commercial Treatment and Disposal Facilities" means facilities that receive, on a commercial basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a service to the generators. Such facilities treating and/or disposing exclusively residential hazardous wastes are not included in this definition.
8. "DWQ" means the "*Division of Water Quality*", the State agency authorized by the EPA to administer the *National Pollutant Discharge Elimination System (NPDES)* permitting program, described in the *CWA Section 402*, within the State of Utah (except for Indian lands). Since jurisdiction is limited to the State of Utah the program administered by the DWQ is called the *Utah Pollutant Discharge Elimination System (UPDES)*.
9. "*Executive Secretary*" means the *Executive Secretary* of the *Water Quality Board*.
10. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
11. "Landfill" means an area of land or an excavation in which wastes are placed for permanent

disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

12. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
13. "Municipal separate storm sewer system" (large and/or medium) means all municipal separate storm sewers that are either:
 - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (at the issuance date of this permit, Salt Lake City is the only city in Utah that falls in this category); or
 - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (at the issuance date of this permit Salt Lake County is the only county that falls in this category); or
 - c. owned or operated by a municipality other than those described in paragraph a. or b. (above) and that are designated by the *Executive Secretary* as part of the large or medium municipal separate storm sewer system.
14. "NOT" means "notice of intent", it is an application form that is used to obtain coverage under this permit (see *Appendix I.*).
15. "NOT" means "notice of termination", it is a form used to terminate coverage under this permit (see *Appendix I* of this permit.).
16. "Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
17. "Section 313 water priority chemical" means a chemical or chemical categories that:
 - a. are listed at 40 CFR 372.65 pursuant to Section 313 of the *Emergency Planning and Community Right-to-Know Act (EPCRA)* (also known as *Title III of the Superfund Amendments and Reauthorization Act (SARA)* of 1986);
 - b. are present at or above threshold levels at a facility subject to *EPCRA Section 313* reporting requirements; and
 - c. meet at least one of the following criteria:

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- (1) are listed in *Appendix D* of *40 CFR Part 122* on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
 - (2) are listed as a hazardous substance pursuant to *Section 311(b)(2)(A)* of the CWA at *40 CFR 116.4*; or
 - (3) are pollutants for which EPA has published acute or chronic water quality criteria. See *Appendix III* of this permit. This appendix was revised based on final rulemaking EPA published in the *Federal Register* November 30, 1994.
18. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
19. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311 of the Clean Water Act* (see *40 CFR 110.10* and *CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).
20. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
21. "SWDMR" means "storm water discharge monitoring report", a report of the results of storm water monitoring required by the permit. A storm water discharge monitoring report form is provided by the Division of Water Quality.
22. "Storm water associated with industrial activity" (*UAC R317-8-3.8(6)(c) & (d)*) means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the *UPDES* program. For the categories of industries identified in paragraphs (a) through (j) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined in *40 CFR Part 401*); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (k) of this

definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (a) to (k) of this definition) include those facilities designated under UAC R317-8-3.8(1)(a)5. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- a. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards that are exempted under category (k) of this definition);
- b. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- c. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of noncoal mining operations that have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;
- d. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- e. Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

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- f. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
 - g. Steam electric power generating facilities, including coal handling sites;
 - h. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (a) to (g) or (I) to (k) of this subsection are associated with industrial activity;
 - i. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under *40 CFR Part 403*. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with *40 CFR Part 503*;
 - j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than 5 acres of total land area that are not part of a larger common plan of development or sale;
 - k. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (a) to (j))³.
23. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
24. "UAC" means "Utah Administrative Code" the administrative rules for the State of Utah.
25. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations of *Parts IV. and Appendix II.* of this

³On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exclusion for manufacturing facilities in category (xi) that do not have materials or activities exposed to storm water to the EPA for further rulemaking. (Nos. 90-70671 and 91-70200.)

permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

26. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
27. "Waters of the State" (*UAC R317-1-1.32*) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state".

J. Storm Water Discharges Associated With Industrial Activity From Mineral Mining and Processing Facilities.

1. Coverages of This Section.

- a. Discharges Covered Under This Section. This permit covers discharges of storm water associated with industrial activity to waters of the State from active and inactive mineral mining and processing facilities (generally identified by Standard Industrial Classification (SIC) Major Group 14), except for storm water discharges identified under paragraph *I.b.*
- b. Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this permit:
 - (1) Storm water discharges associated with industrial activity which are subject to an existing effluent limitation guideline (*40 CFR Part 436*),
 - (2) Storm water discharges associated with industrial activity from inactive mineral mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.
- c. Co-Located Construction Activity. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with construction activities, provided that the storm water discharge from the construction activity is in compliance with the terms, including applicable *Notice of Intent (NOI)* or application requirements, of the *UPDES* general storm water permit for construction activity (Permit No.: *UTR100000*).
- d. Co-Located Industrial Activity. When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility. The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

2. Special Conditions.

- a. Prohibition of Non-storm Water Discharges. This section of this permit does not cover any discharge subject to process wastewater effluent limitation guidelines, including storm water that combines with process wastewater. *Part II.A.2.* of this permit does allow certain non-storm water discharges to be covered by this permit.

3. Storm Water Pollution Prevention Plan Requirements.

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- a. Contents of Plan. The plan shall include at a minimum, the following items:
- (1) Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
 - (2) Description of Potential Pollutant Sources. Each storm water pollution prevention plan must describe industrial activities, significant materials, and physical features of the facility that may contribute to storm water runoff or, during periods of dry weather, result in dry weather flows and mine pumpout. Plans must describe the following elements:
 - (a) Drainage. The plan must contain a map of the site that shows the pattern of storm water drainage, structural or nonstructural features that control pollutants in storm water runoff and process wastewater discharges, surface water bodies (including wetlands), places where significant materials are exposed to rainfall and runoff, and locations of major spills and leaks that occurred in the 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit. The map also must show areas where the following activities take place: fueling, vehicle and equipment maintenance and/or cleaning, loading and unloading, material storage (including tanks or other vessels used for liquid or waste storage), material processing, and waste disposal, haul roads, access roads, and rail spurs. In addition, the map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.
 - (b) Inventory of Exposed Materials. Facility operators are required to carefully conduct an inspection of the site and related records to identify significant materials that are or may be exposed to storm water. The inventory must address materials that within 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit have been handled, stored, processed, treated, or disposed of in a manner to allow exposure to storm water. Findings of the inventory must be documented in detail in the pollution prevention plan. At a minimum, the plan must describe the method and location of onsite storage or disposal; practices used to minimize contact of materials with rainfall and runoff; existing structural and nonstructural controls that reduce pollutants in storm water runoff; existing structural controls that limit process wastewater discharges; and any treatment the runoff receives before it is discharged to surface waters or a separate storm sewer system. The description must be updated whenever there is a significant change in the types or amounts of materials, or material management practices, that may affect the exposure of

materials to storm water.

- (c) Significant Spills and Leaks. The plan must include a list of any significant spills and leaks of toxic or hazardous pollutants that occurred in the 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit. Significant spills include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under *Section 311 of CWA* (see *40 CFR 110.10* and *117.21*) or *Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)* (see *40 CFR 302.4*). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements and releases of materials that are not classified as oil or a hazardous substance.
 - (d) Sampling Data. Any existing data on the quality or quantity of storm water discharges from the facility must be described in the plan. The description should include a discussion of the methods used to collect and analyze the data. Sample collection points should be identified in the plan and shown on the site map.
 - (e) Risk Identification and Summary of Potential Pollutant Sources. The description of potential pollution sources culminates in a narrative assessment of the risk potential that sources of pollution pose to storm water quality. This assessment should clearly point to activities, materials, and physical features of the facility that have a reasonable potential to contribute significant amounts of pollutants to storm water. Any such industrial activities, significant materials, or features must be addressed by the measures and controls subsequently described in the plan. In conducting the assessment, the facility operator must consider the following activities: loading and unloading operations; outdoor storage activities; outdoor processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The assessment must list any significant pollution sources at the site and identify the pollutant parameter or parameters (i.e., total suspended solids, total dissolved solids, etc.) associated with each source.
- (3) Measures and Controls. Following completion of the source identification and assessment phase, the permittee must evaluate, select, and describe the pollution prevention measures, *best management practices (BMPs)*, and other controls that will be implemented at the facility. The permittee must assess the applicability of the following *BMPs* for their site: discharge diversions, drainage/storm water conveyance systems, runoff dispersions, sediment control and collection mechanisms, vegetation/soil stabilization, and capping of contaminated sources. In addition, *BMPs* include processes, procedures, schedules of activities, prohibitions on practices, and other management practices that prevent or reduce the discharge of pollutants in storm water runoff.

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The pollution prevention plan must discuss the reasons each selected control or practice is appropriate for the facility and how each will address the potential sources of storm water pollution. The plan also must include a schedule specifying the time or times during which each control or practice will be implemented. In addition, the plan should discuss ways in which the controls and practices relate to one another and, when taken as a whole, produce an integrated and consistent approach for preventing or controlling potential storm water contamination problems.

- (a) Good Housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.
- (b) Preventive Maintenance. The maintenance program requires periodic removal of debris from discharge diversions and conveyance systems. These activities should be conducted in the spring, after snowmelt, and during the fall season. Permittees using ponds to control their effluents frequently use impoundments or sedimentation ponds as their BAT/BCT. Maintenance schedules for these ponds must be provided in the pollution prevention plan.
- (c) Spill Prevention and Response Procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
- (d) Inspections.
 - i) Facilities, Areas and Frequency. Operators of active facilities are required to conduct quarterly visual inspections of all *BMPs*. Temporarily and permanently inactive operations are required to perform annual inspections. The inspections shall include:
 - a) an assessment of the integrity of storm water discharge diversions, conveyance systems, sediment control and collection systems, and containment structures;
 - b) visual inspections of vegetative *BMPs*, serrated slopes, and benched slopes to determine if soil erosion has occurred; and
 - c) visual inspections of material handling and storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.

- ii) Inspection Period and Conditions. The inspection must be made at least once in each designated period during daylight hours unless there is insufficient rainfall or snow-melt to produce a runoff event. Inspections shall be conducted in each of the following periods for the purposes of inspecting storm water quality associated with storm water runoff and snow melt: January through March (storm water runoff or snow melt); April through June(storm water runoff); July through September (storm water runoff); October through December (storm water runoff or snow melt).
- (e) Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.
- (f) Recordkeeping and Internal Reporting Procedures. A description of incidents such as spills or other discharges along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. The permittee must describe procedures for developing and retaining records on the status and effectiveness of plan implementation. The plan must address spills, monitoring, and *BMP* inspection and maintenance activities. Ineffective *BMPs* must be recorded and the date of their corrective action noted.
- (g) Non-storm Water Discharges.
 - i) Certification. The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with *Part VI.G.* of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water

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at the site. A discharger that is unable to provide the certification required by this paragraph must notify the *Executive Secretary* in accordance with paragraph 3.a.(g)(iii) (Failure to Certify) of this section.

- ii) Exceptions. Except for flows from fire fighting activities, sources of non-storm water listed in *Part II.A.2. (Prohibition of Non-storm Water Discharges)* of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
- iii) Failure to Certify. Any facility that is unable to provide the certification required (testing for non-storm water discharges), must notify the *Executive Secretary* by October 1, 1998, or, for facilities which begin to discharge storm water associated with industrial activity after January 1, 1998, 180 days after submitting an *NOI* to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe the procedure of any test conducted for the presence of non-storm water discharges to the storm sewer and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of the State which are not authorized by a *UPDES* permit are unlawful and must be terminated.
- (h) Sediment and Erosion Control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

Permittees must indicate the location and design for proposed *BMPs* to be implemented prior to land disturbance activities. For sites already disturbed but without *BMPs*, the permittee must indicate the location and design of *BMPs* that will be implemented. The permittee is required to indicate plans for grading, contouring, stabilization, and establishment of vegetative cover for all disturbed areas, including road banks. Reclamation activities must continue until final closure notice has been issued.

- (i) Management of Runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges

associated with industrial activity [see paragraph 3.a.(2) (Description of Potential Pollutant Sources) of this section] shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, wet detention/retention devices, or equivalent measures. In addition, the permittee must describe the storm water pollutant source area or activity (i.e., loading and unloading operations, raw material storage piles, etc.) to be controlled by each storm water management practice.

- (4) Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year. When annual compliance evaluations are shown in the plan to be impractical for inactive mining sites, due to remote location and inaccessibility, site evaluations must be conducted at least once every 3 years. Such evaluations shall provide:
- (a) Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
 - (b) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with paragraph 3.a.(2) (Description of Potential Pollutant Sources) of this section and pollution prevention measures and controls identified in the plan in accordance with paragraph 3.a.(3) (Measures and Controls) of this section shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.
 - (c) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph 3.a.(4)(b) (above) of the section shall be made and retained as part of the storm water pollution prevention plan for at least 3 years from the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of

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noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part VI.G.* (Signatory Requirements) of this permit.

- (d) The storm water pollution prevention plan must describe the scope and content of comprehensive site evaluation that qualified personnel will conduct to; 1) confirm the accuracy of the description of potential pollution sources contained in the plan, 2) determine the effectiveness of the plan, and 3) assess compliance with the terms and conditions of the permit. Where compliance evaluation schedules overlap with inspections required under *3.a.(3)(d)*, the compliance evaluation may be conducted in place of one such inspection.
4. Numeric Effluent Limitations. There are no additional numeric effluent limitations beyond those described in *Part IV.B.* of this permit.
5. Monitoring and Reporting Requirements.
- a. Analytical Monitoring Requirements. During the period beginning January 1, 1999, lasting through December 31, 1999, and the period beginning January 1, 2001, lasting through December 31, 2001, permittees with dimension and crushed stone, and nonmetallic minerals (except fuels), and sand and gravel mining activities must monitor their storm water discharges associated with industrial activity at least quarterly (4 times per year) during years 2 and 4 except as provided in paragraphs *5.a.(3)* (Sampling Waiver), *5.a.(4)* (Representative Discharge), and *5.a.(5)* (Alternative Certification). Such facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table J-1 below. Facilities must report in accordance with *5.b.* (Reporting). In addition to the parameters listed in Table J-1 below, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

Table J-1.
Monitoring Requirements

Pollutants of Concern	Cut-Off Concentration
Sand and Gravel Mining	
Nitrate plus Nitrite Nitrogen	0.68 mg/L
Total Suspended Solids (TSS)	100 mg/L
Dimension and Crushed Stone and Nonmetallic Minerals (except fuels)	
Total Suspended Solids (TSS)	100 mg/L

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- (1) Monitoring Periods. Facilities subject to analytical monitoring requirements shall monitor samples collected during the sampling periods of: January through March, April through June, July through September, and October through December for the years specified in paragraph a. (above).
- (2) Sample Type. A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.
- (3) Sampling Waiver.
 - (a) Adverse Conditions. When a discharger is unable to collect samples within a specified sampling period due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next period and submit the data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
 - (b) Low Concentration Waiver. When the average concentration for a pollutant calculated from all monitoring data collected from an outfall during the monitoring period January 1, 1999, lasting through December 31, 1999, is less than the corresponding value for that pollutant listed in Table J-1 under the column Monitoring Cut-Off Concentration, a facility may waive monitoring and reporting requirements in the monitoring period beginning January 1, 2001, lasting through December 31, 2001. The facility must submit to the *Executive Secretary*, in lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which sampling was waived.

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- (c) Inactive and Unstaffed Site. When a discharger is unable to conduct quarterly chemical storm water sampling at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The facility must submit to the *Executive Secretary*, in lieu of monitoring data, a certification statement on the *Storm Water Discharge Monitoring Report (SWDMR)* stating that the site is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.
- (4) Representative Discharge. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. The permittee shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the *Storm Water Discharge Monitoring Report (SWDMR)*.
- (5) Alternative Certification. A discharger is not subject to the monitoring requirements of this section provided the discharger makes a certification for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports required under paragraph *b.* below, under penalty of law, signed in accordance with *Part VI.G.* (Signatory Requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Such certification must be retained in the storm water pollution prevention plan, and submitted to *DWQ* in accordance with *Part V.B.* of this permit. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required under paragraph *b.* below. If the permittee cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent guidelines.
- b. Reporting. Permittees with dimension and crushed stone, sand and gravel or nonmetallic mineral (except fuels) mining facilities shall submit monitoring results for each outfall

associated with industrial activity [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the reporting period beginning January 1, 1999, lasting through December 31, 1999, on *Storm Water Discharge Monitoring Report (SWDMR)* form(s) postmarked no later than the 31st day of the following March, 2000. Monitoring results [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the period beginning January 1, 2001, lasting through December 31, 2001, shall be submitted on *SWDMR* form(s) postmarked no later than the 31st day of the following March. For each outfall, one signed *SWDMR* form must be submitted to the *Executive Secretary* per storm event sampled. Signed copies of *SWDMRs*, or said certifications, shall be submitted to the *Executive Secretary* at the address listed in *Part V.B.* of the permit.

- (1) Additional Notification. In addition to filing copies of discharge monitoring reports in accordance with paragraph *b.* (above), sand and gravel mining facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of *SWDMRs* to the operator of the municipal separate storm sewer system in accordance with the dates provided in paragraph *b.* (above).
- c. Quarterly Visual Examination of Storm Water Quality. Mineral mining and processing facilities covered under this sector shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examinations must be made at least once in each designated period [described in (1), below] during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.
 - (1) Visual Monitoring Periods. Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water quality associated with storm water runoff or snow melt: January through March; April through June; June through September; and October through December.
 - (2) Sample and Data Collection. Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual will carry out the collection and examination of discharges for the life of the permit.
 - (3) Adverse Conditions. When a discharger is unable to collect samples over the course of the visual examination period as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and

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retain this documentation onsite with the records of the visual examinations. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

- (4) Visual Storm Water Discharge Examination Reports. Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- (5) Representative Discharge. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explaining in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.
- (6) Inactive and Unstaffed Site. When a discharger is unable to conduct visual storm water examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

APPENDIX B

**CERTIFICATION OF NON-STORM
WATER DISCHARGES**

